GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Late Smt.M.Ayyamma, former C.D.P.O., ICDS Project, Adoni (R), Kurnool – Retired from service on 30.09.2010 on attaining the age of superannuation – Secured job on production of fake S.T. Certificate - Expired on 05.02.2015 – Charges abated – Withheld all the terminal benefits under Rule – 9 (1) & (7) (a) of A.P.Revised Pension Rules, 1980 and in pursuance of the Hon'ble High Court of A.P. orders, dt:24.01.2017 in W.P.No.3166/2008– Orders – Issued.

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4. And whereas, the Charged officer has filed W.P.No.3166 of 2008 before the Hon'ble High Court of A.P., on cancellation of the S.T caste certificate. The Hon'ble High Court of A.P., in W.P.MP.No.4131/2008 in W.P. No.3166 / 2008 has passed interim suspension orders on 18.02.2008. Subsequently, the Spl. Commissioner, WD & CW, vide reference 7th read above, has informed to the Charged Officer, that the charge framed against her is not exonerated, as the issue is pending before the Hon'ble court and that the matter will be finalized after passing of orders by the Hon'ble Court and also informed that all the pensionery and other benefits like gratuity etc., will be released to her subject to outcome of the Hon'ble High Court of A.P.

5. And whereas, vide reference 8th read above, the Spl. Commissioner, WD & CW, A.P., has requested the Govt. to take necessary action in the matter, as Govt. is the competent authority with regard to the Retired Officers, since Smt.M.Ayyamma, former C.D.P.O, I.C.D.S. Project, Adoni (R) has retired from service on 30.09.2010 and expired on 05.02.2015.

6. And whereas, vide reference 9th read above, the Hon'ble A.P. High Court has disposed the W.P.No.3166 of 2008 on 24.01.2017 as dismissed and find that there is no merit in the W.P. and is liable to be dismissed. The Hon'ble A.P.H.C. in its orders, dt:24.01.2017 has also mentioned that-

> "Though it is sought to be contended on behalf of the 2nd petitioner that a caste/community certificate can only be cancelled when the same was obtained by playing fraud and that in the case on hand the deceased petitioner's caste and community certificate was not obtained by playing fraud or indulging in fraudulent acts, the said contention cannot be countenanced as obtaining a caste-cum-community certificate by either concealment & misrepresentation of true facts or by making a wrong claim is by itself sufficient to cancel the certificate, which is false. As per the regulations, whoever not being a person belonging to any of the Scheduled Castes, Scheduled Tribes, or Backward classes secures admission in any educational institution against a seat reserved for such Castes, Tribes or Classes, or secures any appointment in the Government, local authority or in any other company or corporation, owned or controlled by the Government or in any Government aided institution or co-operative society against a post reserved for such Castes, Tribes or Classes by producing a false Caste Certificate shall, on cancellation of the Caste Certificate by the Scrutiny Committee, be liable to be debarred from the concerned educational institution, or as the case may be, discharged from the said employment forthwith and any other benefits enjoyed or derived by virtue of such admission or appointment by such person as aforesaid shall be withdrawn forthwith. In the present case of the deceased petitioner, since the question of discharge of the deceased petitioner from employment does not arise, the benefits secured or derived on the basis of such false community certificate have to be withdrawn as a sequel to the cancellation of her false certificate."

7. And whereas, under Rule - 9 (7) (a) of the A.P. Revised Pension Rules, 1980, "When a Government servant dies before conclusion of the disciplinary proceedings, generally death abates all further proceedings. As such, when Government servant dies before conclusion of the disciplinary proceedings, the proceedings under rule 9 of the Andhra Pradesh Revised Pension Rules 1980 also abates. If any loss caused or misappropriated the Govt. amount by the deceased Government servant is established, in such cases, the disciplinary proceedings will not automatically abate and it is open to the Govt. to bring the legal representatives on record and conclude disciplinary proceedings for the purpose of recovery of the same."

8. And whereas, under Rule-9 (1) of the A.P. Revised Pension Rules 1980, “Provided also that the penalty of withholding of entire pension or gratuity or both may be imposed against the retired Government servant upon being found guilty or upon conviction in a court of law for the offences of grave charges namely proved cases of misappropriation, bribery, bigamy, corruption, moral turpitude, forgery, outraging the modesty of women and misconduct.”

9. In the circumstances stated above, and in pursuance of the orders of the Hon’ble High Court of A.P., dt:24.01.2017 passed in W.P.No.3166/2008, Government after careful consideration of the matter, hereby concluded the disciplinary proceedings initiated against Late Smt.M.Ayyamma, former C.D.P.O, I.C.D.S. Project, Adoni (R) and retired on 30.09.2010, by withholding all the terminal benefits under Rule 9 (1) of the A.P. Revised Pension Rules, 1980, as she had secured the job on production of fake S.T. Certificate, duly abating the charge framed against her by the then Director, W.D & C.W., A.P., vide Procs.No.1869/Vig.2/2008, dt:12.06.2009, under Rule 9 (7) (a) of the A.P. Revised Pension Rules, 1980, as she died on 05.02.2015.

10. The Spl. Commissioner, W.D & C.W., A.P., Guntur, is requested to take necessary further action in the matter, accordingly.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

Smt.APARNA UPADHYAYULA
SECRETARY TO GOVERNMENT.

To
The Spl. Commissioner, W.D & C.W., A.P., Guntur.
The Accountant – General, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Dr.No.7-57, Sri Anjaneya Towers, VTPS, Ibrahimpatnam, VIJAYAWADA – 521 456.
Copy to: -
SF / SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER